

REMARKS

The amendment document filed on July 5, 2007 was considered non-compliant because it failed to meet the requirements of 37 CFR 1.121. In response to the Notice of Non-Compliant Amendment dated October 3, 2007, Applicants hereby re-submit the claims labeled with the proper status identifiers as requested by the Supervisory Patent Examiner. Applicants submit that the amendment document is compliant and respectfully request reexamination and reconsideration of the application.

Reconsideration of the application is respectfully requested in view of the above amendments and the following remarks.

Claim Rejections

The Office Action rejects claims 7, 8 and 23-25 under Sections 101 and 112, citing the terms “numerical threat value” (claim 7) and “score” (claim 23). Applicant has amended the subject claims to clarify the language contained therein. Moreover, the numerical threat value or score is expressly described in our Specification in the text accompanying FIG. 4, such as in paragraphs 0040-0045. Importantly, the scoring/valuation may be performed based upon any number of factors, and is not limited to any particular formula or algorithm. Reconsideration of the rejection is requested.

The Office Action also requests clarification of certain phrases in claims 1, 13, 15 and 25. With consenting to the rejection, the referenced language has been deleted from the claims, so the rejection is now believed to be moot. Reconsideration is requested.

Please note that the amendments referenced in this Section are not narrowing (indeed, many are actually broadening), and are not made to distinguish prior art. Accordingly, the scope of legal equivalents that would otherwise be available is not narrowed by these amendments.

Prior Art Rejections

The Office Action rejects each of the prior claims under Section 103, citing Publication 2004/0257225 (“Webb”) alone and in combination with US Patent No. 4,340,810 (“Glass”).

Claims 7 and 8 are rejected under Section 103, citing the combination of Webb, Glass and US Patent No. 7098,784 (“Easley”). We respectfully traverse the rejections in that the cited combinations do not disclose the entire inventions recited in our claims.

In particular, no reference describes *comparing an electronic manifest compiled at the origination point with a second electronic manifest compiled at the destination to identify any discrepancies therebetween*, as now recited in each of our independent claims. This feature was previously recited in at least claim 17 (which is now cancelled to avoid duplicate language), so the insertion of this feature into our independent claims does not affect the legal equivalents previously available.

The Office Action acknowledges that the “received manifest” feature is not found within the primary Webb reference, but instead claims that this feature is disclosed in col. 5, lines 1-17 of the Glass reference, and that it would be obvious to incorporate this feature into Webb “to increase the efficiency of a merchandise distribution control system”. We respectfully disagree for a number of reasons. First, the Glass reference dates back to 1980, a time when electronic manifests transported across global networks were simply unfathomable to persons of ordinary skill in the art. The Glass therefore relates to a multi-part carton label (i.e. a paper label such as that shown in Glass’ FIG. 2) that can be affixed to certain cartons during local distribution.¹ Discrepancies between paper contents listings can be manually identified by the truck driver or another human reviewer and noted on the label. This process is actually described in the section of Glass that is repeatedly cited in the Office Action, which is reproduced below:²

¹ See Glass at col. 2, lines 10-24.

² Glass, col. 5, lines 1-17.

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The shipment is then trucked 50 to the store 52 where the cartons are received. At the store 52, the carton number and address, as contained on the address portion of the carton label 36, is checked against the truck manifest 46 at L. Subsequently, the merchandise is checked in against the copy of the carton manifest 54 contained in the carton. This occurs at step M.

The carton manifest 40 may be prepared with a pre-printed portion to be used in the event of a nonconformity. After performing the checking steps of L and M, 10 if the shipment is correct, the merchandise enters the stock of the store and the carton manifest copy is filed 54. If there is a nonconformity present, then the exception report 56 at the bottom of the carton manifest sheet is completed at N and forwarded to the distribution center manager 58. The upper portion of the carton manifest is then also filed in the store's files 54.

Note that this language facially refers to a check performed “at the store” (line 2) against a manifest contained “in the carton” (line 7). In the context of the Glass reference, this language makes clear that the comparison of manifests is a manual check visually performed by a human (e.g. a truck driver or receiving clerk). The language in no way relates to an automated comparison of electronic manifests, particularly a comparison performed at a central server (as recited in claim 15). Glass therefore does not disclose “*comparing the listing of the contents placed in the cargo container with the electronic listing of contents received and identifying any discrepancies therebetween*” as recited in claims 1 and 13, nor does it disclose “*a central server configured to obtain a first electronic manifest from one of the plurality of container processing systems located at the origination point and to compare the first electronic manifest with a second electronic manifest obtained from a second one of the plurality of container processing systems located at the destination, and to electronically identify any discrepancies between the first and second electronic manifests*”, as recited in claim 15.

The other references cited in the various Section 103 rejections are not alleged to contain the missing elements described above (indeed, the Office Action acknowledges that the primary Webb reference does NOT disclose the missing elements), so a detailed analysis of those references is not necessary. Moreover, a detailed analysis and response to the rejections of the dependent claims would be cumulative and therefore unnecessary at this point. While we

reserve the right to separately address the merits of the other references or to separately assert the patentability of any claim at a later date, it is now sufficient to simply request reconsideration of the prior art rejections in view of the amendments and remarks set forth above.

In conclusion, for the reasons given above, all claims now presently in the application are believed allowable and such allowance is respectfully requested. Should the Examiner have any questions or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned attorney at (480) 385-5060.

This response is not believed to require any fee or extension of time. If for some reason, however, Applicant has not requested a sufficient extension and/or has not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee that may be due.

Respectfully submitted,
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